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The Right Flier Newsletter

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American Association of University Professors-Wright State University

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# The Right Flier

Newsletter of the WSU-AAUP

Volume 5, Number 3, February 2005

Editor, Anna Bellisari

Administrative Assistant, Connie Jacobs

## ***Goldenberg Administration Takes a Hard Line on Workload***

By Rudy Fichtenbaum Chief Negotiator, AAUP-WSU

The administration has taken a hard line on bargaining over the issue of workload. Despite the fact that other universities in Ohio have bargained over workload and continue to do so, the administration at Wright State has chosen to take a position that threatens to undermine the positive working relationship that AAUP-WSU has had with this administration.

In 1998 when Kim Goldenberg became President, he asked the faculty not to vote in favor of collective bargaining. He asked the faculty to give him a chance and promised that things would be different under his administration. After years of seeing its power eroded and making recommendations that were ignored, the faculty voted in favor of collective bargaining, hoping that the administration would change but knowing that faculty needed an insurance policy.

Why is the Goldenberg administration unwilling to bargain over workload? Apparently the administration believes that it should have the power to determine faculty workload and does not want to share this power with the faculty. Instead it has invited the faculty to form a committee to discuss faculty workloads and make recommendations to the administration. In a memo dated January 21, 2005, the administration wrote, "the University values the input of AAUP-WSU on this issue and invites conversation on the subject [workload] to begin as soon as possible. Such conversations will be outside the collective bargaining process. In addition the University is currently willing to negotiate with the AAUP-WSU about possible provisions for grieving workload assignments."

In response to this memo AAUP-WSU proposed forming a joint committee outside contract negotiations to establish a workload policy for all tenured and tenure-track faculty, with stipulation that the policy would not be changed without the agreement of both parties and that violations of the policy could be grieved by bargaining unit faculty using the procedures in the CBA. Our offer, rooted in the concept of shared governance, has been rejected by the Goldenberg administration. Instead the Goldenberg administration asks us to return to the "bad old days" when faculty made recommendations which were then ignored by the administration. The administration says that we can trust them and that they will "take our recommendations seriously."

Apparently the Goldenberg administration does not trust the faculty, so why should we trust the Goldenberg administration? If the administration does not plan unilaterally to increase faculty workload it would be willing accept our offer to jointly establish an enforceable policy or put a workload article in the collective bargaining agreement. Even if faculty workloads do not increase significantly in the next year or two, without an enforceable agreement it is inevitable that workloads will increase because of the economic pressures facing higher education in Ohio. Ohio is a state in decline and budgets for higher education are likely to continue to deteriorate in the foreseeable future. This administration has shown that it will follow the path of least resistance when tough decisions have to be made.



### ***2005 AAUP-WSU Negotiating Team***

Front, Rudy Fichtenbaum (Chief Negotiator)

Margaret Clark Graham

Back, Jeanette Davy, Jim Vance, Barry Milligan

Some of us have been around long enough to remember when we first started doing student evaluations. At that time, we were told by the administration that these evaluations were only to help faculty improve their teaching and would not be used to evaluate faculty. Well, we all know what happened with student teaching evaluations. In fact, without our Collective Bargaining Agreement the administration would still be using teaching evaluations to determine "merit raises."

We will not ask our members to spend their valuable time serving on a committee to make recommendations on workload only to have the administration turn around and make its own policy.

Why should we trust an administration that has not kept its word when it comes to hiring more faculty? Three years ago we put an article on the table that would have forced the administration to hire more tenured and tenure-track faculty. In the interest of reaching a negotiated agreement and with the promise that the Goldenberg administration would hire a significant number of new tenured and tenure-track faculty, we withdrew our article. We put our trust in the Goldenberg administration and what happened? Despite record enrollments, between FY 1998-2004 the Goldenberg administration budgeted only eight new tenured and tenure-track faculty positions. During the same time period it budgeted 20 additional classified staff positions and 100 unclassified staff positions. In addition, it budgeted 23 additional instructor positions with the majority of this increase coming between FY 2001 and FY 2004.

Why should we trust an administration that has implemented a health insurance policy for staff and non-bargaining unit faculty that will shift a significant portion of health care costs onto employees without even discussing the proposed policy with them? Not only has the administration not discussed the new policy, which it plans to implement over four years, but it has not even informed the staff and non-bargaining unit faculty of the changes beyond what it has implemented this year. We have spoken to dozens of classified staff, unclassified staff and non-bargaining unit faculty and none of them knew about the administration's four-year plan to shift health care costs onto the backs of employees. If it were not for the fact that that we have a collective bargaining agreement, it is almost certain that the administration would have raised our health insurance premiums without consulting us too.

Why should we trust an administration that resorted to bad-mouthing the University in front of a fact finder, stating that "Wright State is not one of Ohio's top echelon academic institutions. The University ranks in the middle among Ohio public universities in terms of prestige and academic reputation. *U.S. News and World Report's* 1999 survey of 200 national universities for national standing ranked Wright State in the lowest of 4 tiers. Under that survey, Wright State received one of the nation's lowest ratings for academic reputation. ... Yet, despite Wright State's relatively low academic standing and national and state reputation, the University compensates its Bargaining Unit faculty at an extremely high rate." Why did the Goldenberg administration make this outrageous statement? In order to avoid paying faculty what they deserve, and now they say "trust us."

The position taken by the Goldenberg administration represents a major shift in its relationship with AAUP-WSU. We view this shift as unfortunate and we believe that the shift in policy is not in the best interests of the University. We hope that the Goldenberg administration will not destroy the relationship we have worked hard to develop over the last five years. However, if the Goldenberg administration insists that it must have the unilateral right to raise faculty workloads then it must understand that there will be consequences.

### ***News Flash: Negotiations at Other Ohio Universities***

The AAUP-Kent State chapter asked the State Employee Relations Board (SERB) to rule on its dispute with the Kent State administration, which did not act on the external Fact Finder's report accepted by 94.3% of the chapter membership. The Fact Finder's report supported positions of AAUP-KSU on contingent supplemental salary increases and merit pay, reconstitution of a health benefits review committee, and a fair-share representation fee.

AAUP-University of Toledo has rejected the proposed contract by a 3-1 margin. Members objected to the second-year provision in the contract which made salary and benefit increases contingent upon university revenues.

### ***Together We Are Many!***

Since contract negotiations began, many new members have joined AAUP. Our membership is now at an all-time high – 301 Regular Chapter Members, 72% of All Bargaining Unit Faculty. But remember, only RCMs can vote on the Collective Bargaining Agreement currently being negotiated. Please encourage your colleagues to join AAUP-WSU.

## ***Renewed Attack on Academic Freedom in Ohio***

By Paulette Olson, President, AAUP-WSU

In late January, four Ohio Republicans (Mumper, Jordan, Cates, Wachtann) introduced Senate Bill 24, a so-called "Academic Bill of Rights for Higher Education," which forces the State Board of Regents to adopt policies about what can and what can not be taught in our courses. If the bill passes, the responsibility of course content and student evaluations will shift from the professoriate to an unspecified state structure or the courts. The proposed bill can be found at: [www.legislature.state.oh.us/bills.cfm?ID=126\\_SB\\_24](http://www.legislature.state.oh.us/bills.cfm?ID=126_SB_24). The Executive Committee urges you to contact your Senators to oppose this bill. I have provided a sample phone message and contacts below.

SB24 is the most recent and dangerous incursion on academic freedom and autonomy in higher education. During the 1960s, the John Birch Society instructed its members to report professors with left-wing tendencies. During the 1980s, an organization called "Accuracy in Academia" did likewise. After September 11, 2001, "Campus Watch" became the self-appointed watchdogs for faculty in Middle Eastern studies. Today the organization "Students for Academic Freedom" (SAF), instructs individuals to collect voter registration data on faculty and administrators, among other things, on their website. The objective is to promote an image of left-wing indoctrination on college campuses nationwide.

SB24 targets liberal arts faculty, a useful political strategy, conflating a liberal arts education with the anti-American label of "liberal." The bill is based on the false premise that Ohio's liberal arts faculty as registered Democrats have created a "hostile learning" environment for Republican students. David Horowitz, the architect of this nationwide movement, argues that the academic rights of students have been violated, and therefore, a formal grievance procedure for students needs to be created to protect their rights.

### **What are some of the implications of SB24?**

SB24 would require faculty or administrators to:

- teach perspectives and methodologies contrary to the ones they presently offer, regardless of their scholarly merits;
- refrain from introducing controversial matter having no relation to the "subject" such as the Iraq war, social security, or other social issues;
- create a legal structure within the university to hear student grievances and monitor classroom utterances;
- hire and promote a person that tends towards right-wing thinking for every faculty who is inclined to assign "leftist" material;
- invite speakers with right political positions for every speaker invited to speak on "leftist" issues;
- allocate university funds to right-wing student organizations for every dollar allocated to left-wing student organizations;
- among other things.

As the Supreme Court argued in *Keyishian v. Board of Regents* (1967), "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

Please take one minute to CALL your senator and ask him/her to oppose this bill. To avoid being dismissed because of the ideological baggage associated with the title of "professor," I would suggest calling as a **CITIZEN**.

### **Sample Phone Message:** (a staffer usually answers)

Hello – this is (insert name). I'm calling to ask Senator (insert name) to oppose Senate Bill 24. It will threaten the future of higher education in Ohio by censoring what can and cannot be taught. By limiting academic freedom, universities in Ohio will be unable to attract the best and the brightest faculty to our state. This will have the added effect of hurting economic development in Ohio. Thank you.

### **Contacts:**

#### Republican Members of the Education Committee:

Chair, Senator Joy Padgett	614/466-8076	Senator Randy Gardner	614/466-8060
Vice Chair, Senator Gary Cates	614/466-8072	Senator Jeff Jacobson	614/466-4538
Senator John Carey	614/466-8156	Senator Larry Mumper	614/466-8049

**To find phone # of your senator go to:** [www.senate.state.oh.us/senators/SenateZipSearch.html](http://www.senate.state.oh.us/senators/SenateZipSearch.html)

## ***Can You Grieve Your Annual Evaluation?***

By David Barr, Grievance & Contract Administration, AAUP-WSU

The short answer is YES. A grievance is any alleged violation of the contract, with department by-laws being understood to be part of the contract. Thus, if your chair does not use the criteria specified in your by-laws, you have a grievance. The difficulty is that most by-laws do not spell out explicit criteria, settling instead for broad language about levels of performance. This leaves a lot of room for the judgment of the chair. That you may disagree with his judgment will not, in itself, result in a successful grievance.

A successful grievance can be built on three foundations. The first, mentioned above, is the ignoring or contravening explicit measures spelled out in the by-laws. So if your by-laws say that the publication of two articles results in a rating of Outstanding; and if you publish two articles and are not rated Outstanding, you have a solid foundation for a grievance.

The second foundation, not quite so firm, is if you can show that the chair's judgment is "arbitrary and capricious" or, in other words, that it cannot pass the "reasonable person" test. The reasonable person test says a judgment may be deemed arbitrary and capricious if a reasonable person could not reach such a judgment. This is a high standard, but the system simply would not work if every case had to be judged over by higher administrators.

The third foundation for a successful grievance is if you can show a pattern over time of evaluations lower than might be expected. Thus if your teaching, say, were in a range somewhere between meritorious and outstanding and for the last three years you have always received the lower rating, you can file a grievance. Another possible scenario would be if you can show that, over several years, you have consistently received lower evaluations than others with similar performance, you have a case for a grievance. Remember, you have a right to see the performance data and evaluations of all members of your department.

So, yes, you can file a grievance over annual evaluation, but a successful grievance needs a solid foundation in fact.

## ***STRS Board Election***

You will soon receive your ballots for election of STRS board members. The Ohio Conference Board of Trustees has taken the unusual step of endorsing candidates they believe will work to preserve health care for retirees. This is a critical election. We are urged to cast our votes for:

- Dr. Neil Johnson, Past President of the Greater Cleveland School Superintendent's Association
- Dave Speas, President of the Clark-Shawnee Board of Education
- Rolla Beach, President and Chief Negotiator of the South-Western Education Association.

## ***Legislative Brunch***

Please consider attending a Legislative Brunch at The Ohio State University on April 22. This is a terrific chance for you to talk to Ohio legislators before the higher education budget is finalized. More details will appear in the February issue of *Ohio Academe*.

### ***Winter Quarter Chapter Meeting***

**When:** Friday, February 25, 2005  
Noon to 1:30 pm

**Where:** Studio B, Center for Teaching & Learning, 023 Dunbar Library & Lake Campus 151 Dwyer

**What:** Chapter Reports & Contract Negotiation Update

**Refreshments will be served.**

MAIL TO: